

19 JUN 2009



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	DECISION ON
GORDON	:	
Application No.: 10/593,469	:	PETITION UNDER
PCT No.: PCT/GB2005/000788	:	
Int. Filing Date: 02 March 2005	:	37 CFR § 1.47(b)
Priority Date: 19 March 2004	:	
Attorney Docket No.: Q96948	:	
For: REPROGRAMMING A NON-	:	
VOLATILE SOLID STATE MEMORY	:	
SYSTEM	:	

This is a decision on applicant's renewed petition under 37 CFR 1.47(b) filed in the United States Patent and Trademark Office (USPTO) on 08 April 2009. The petition is **GRANTED**.

BACKGROUND

On 02 March 2005, applicant filed international application PCT/GB2005/000788, which designated the US and claimed a priority date of 19 March 2004. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 29 September 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 September 2006.

On 19 September 2006, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 10 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 29 September 2008, applicant submitted a petition under 37 CFR 1.47(b). The petition was accompanied by, *inter alia*, a petition/fee for a five-month extension of time, a statement of facts by Stephen Haley, an Invention Disclosure Agreement, a copy of a letter from non-signing inventor David Gordon to Stephen Haley dated 01 May 2008, and a copy of a letter from David Gordon to Stephen Haley dated 11 July 2008.

On 08 December 2008, a decision was mailed dismissing without prejudice applicant's petition under 37 CFR 1.47(b). Specifically, it was noted that proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application had not been provided.

On 08 April 2009, applicant filed the instant renewed petition under 37 CFR 1.47(b) which was accompanied by, *inter alia*, a petition/fee for a two-month extension of time, a second statement of facts by Stephen Haley, and a memorandum of law.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

As noted in the decision mailed 08 December 2008, items (1), (2), (3), (4), and (6) have been met

Item (5) has now been met as well. It has been established that Matsushita Electric Industrial Co., Ltd. has sufficient proprietary interest in the application.

CONCLUSION

For the above reasons, applicants' renewed petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **29 September 2008**.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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Mr. David George Gordon
37, Feld Way,
Lychpit, Basingstoke
Hants,
RG24 8UW, United Kingdom

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Int. Filing Date: 02 March 2005
Priority Date: 19 March 2004
Attorney Docket No.: Q96948
For: REPROGRAMMING A NON-VOLATILE SOLID STATE MEMORY SYSTEM

Dear Mr. Gordon:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Daniel Stemmer/

Daniel Stemmer
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
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Basingstoke
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